

As to July 31, 2009 Notice of Allowability and Interview Summary

**REMARKS**

On July 28, 2009, Examiner Trinh Vo Dinh initiated a phone call with Aaron C. Deditch (Reg. No. 33,865) to offer certain proposed amendments to the claims. The examiner amendments were agreed with, and as essentially referred to in the Examiner's Amendment and Interview Summary, claim 13 was amended to include the features of claim 22, which was canceled without prejudice to allow the case. Claims 13 to 21 and 23 to 28 are allowed.

*It is noted that CLAIM 13 is erroneously labeled claim 1, which was previously canceled in a preliminary amendment. It is understood that the Examiner meant to label it claim 13, since the only discussed claims were claims 13 and 22, as detailed in the Interview Summary.*

It is noted that the Interview Summary form that was used by the Examiner was PTOL-413, which states that Applicant is given one month from the Interview date (July 28, 2009) or one month from its mailing date (July 31, 2009), whichever is later. Accordingly, the one-month response date is August 31, 2009.

*However, since this was an Examiner initiated interview, it is respectfully submitted that PTOL-413B should have been used, and since the case was allowed, the first box of Part III of that form should have provided that Applicant did not need to provide a separate record of the interview, since the interview directly resulted in the allowance of the Application, and since the Examiner provided a written summary of the substance of the interview in the Notice of Allowability (which was done here).*

As explained above, the Examiner's characterizations in the Amendment and Interview Summary are agreed with as to claim 13 being amended to include the features of claim 22, which was canceled without prejudice to allow the case. Claims 13 to 21 and 23 to 28 are allowed.

If Applicant had initiated the Interview (which was not the case), then PTOL-413 would have been the proper form to use.

The foregoing procedures are documented and explained in the M.P.E.P. At 713.04 (pages 700-182 to 700-186).

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Attorney Docket No. 10191/4204

Communication (Substance of the Interview)

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Since, however, the Examiner sent form PTOL-413, it is believed that this response satisfies the request for Applicant to file a Statement of the Substance of the Interview (see pages 700-184 and 700-185 of the M.P.E.P.).

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that all of the pending claims are allowed in view of the Notice of Allowability. It is therefore respectfully requested that the present application issue promptly.

Dated: 8/13/2009

Respectfully submitted,

By:

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